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EXAMINER

WANG, LIANG-CHE

ART UNIT PAPER NUMBER

2155

DATE MAILED: 12/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/037,487	Applicant(s) BACH CORNELIUSSEN, KNUT SNORRE	
	Examiner Liang-che Alex Wang	Art Unit 2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-20 and 27-31 is/are pending in the application.
- 4a) Of the above claim(s) 31 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-20 and 27-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 15-20, 27-30 are presented for examination.
2. Claim 31 is withdrawn.
3. Claims 1-14, 21-26 are canceled.

Election/Restrictions

4. Restriction to one of the following invention is required under 35 U.S.C. 121:
 - I. Claims 15-20 are drawn to establishing a connection between a server and a client via H.323 proxy or a gateway, classified in class 709, subclass 227.
 - II. Claim 31 is drawn to a business method for determining a monetary charge for user usages on a game server, classified in class 705, subclass 52.
5. Inventions I, and II are related as subcombination disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. The following case instantiates:

Invention I, discloses a method for establishing a connection between a client and server without the features of invention II.

Invention II, discloses a method for determining a monetary charge for user usages without the features of invention I.

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6. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
7. Newly submitted claims 31 directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: a method for determining a monetary charge for user usages.
8. Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claim 31 is withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

The New Grounds of Rejection

9. Applicant's amendment and argument with respect to claims 15-20, 27-31 filed on 10/7/2005 have been fully considered but they are deemed to be moot in views of the new grounds of rejection.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

11. Claims 15-18, 20, 27-29, are rejected under 35 U.S.C. 102(e) as being anticipated by

Roy, US Patent Number 6,775,255, hereinafter Roy.

12. Referring to claim 1, Roy teaches a system of computers operated in a network using an

H.323 protocol or a SIP protocol (Figure 16, Col 2 lines 23-29), comprising:

- a. a gatekeeper (figure 8 item 808);
- b. a server for operating a client/server multi-user computer application (figure 14 item 1402);
- c. a client for operating a client/server multi-user computer application (figure 14 item 1404);
- d. an H.323 or SIP proxy (figure 9 item 904);
- e. wherein the client is configured to register and be authorized in the network using registration and authorization procedures in the H.323 protocol or the SIP protocol (Col 4 lines 34-39);
- f. a user handling database (user profile), associated with the gatekeeper (gatekeeper 1010), for providing a user profile for the gatekeeper to determine (examines) whether the client is permitted to set-up an H.323 or a SIP call with the server (Col 36 lines 61-67),
- g. wherein the gatekeeper, the server, the client, and the H.323 or SIP proxy each include a real time codec (Col 1 lines 53-57) having a common H.323 or SIP interface and configured to establish a real time data transfer channel between the server and the client using the H.323 protocol or the SIP protocol (figure 18 and 19) and to permit thereafter the client to operate the client/server multi-user

computer application using a data communications protocol other than the H.323 or the SIP protocol (Col 2 lines 1-13, RTP/RTCP, and TCP are data communications protocols other than the H.323 protocol or the SIP protocol).

13. Referring to claim 16, Roy teaches a method for operation and administration of a multi-user computer application program in a system of computers operating in a network accordance with an H.323 protocol or a SIP protocol, comprising:

- a. a gatekeeper (figure 8 item 808);
- b. a user handling database associated with the gatekeeper (user profile, Col 36 lines 61-67),
- c. a client for operating a client/server multi-user computer application (figure 14 item 1404);
- d. a server for operating a client/server multi-user computer application (figure 14 item 1402);
- e. an H.323 or SIP proxy (figure 9 item 904);
- f. wherein the client is configured to register and be authorized in the network using registration and authorization procedures in the H.323 protocol or the SIP protocol (Col 4 lines 34-39); the method comprising: a client (item 1606 figure 16) initiating a call set-up with the server (item 1608) as a call destination (figure 16, item 1608 is a fixed called H.323 terminal); exchanging information of ports for receiving data and information related to whether a communication protocol to be used for the call is TCP or UDP (Col 2 lines 1-13, TCP);

- g. the gatekeeper checking a user profile obtained from the user handling database to determine whether the client is allowed to setup a call to the server (Col 36 lines 61-67);
 - h. the gatekeeper informing the client whether the client is allowed to set up the call, if the client is allowed to setup the call, the client establishing a data channel to the server according to an enhanced H.323 protocol or an enhanced SIP protocol (figure 17, Col 40 lines 22-32);
 - i. wherein the H.323 protocol or SIP protocol is enhanced using an extension supporting a real time codec included with the client and the server for establishing a real time data transfer channel between the server and the client using the H.323 protocol or the SIP protocol (Col 1 lines 53-57), and
 - j. wherein each real time codec supports a data communications protocol other than the H.323 protocol or SIP protocol employed by the client and the server to operate the client/server multi-user computer application (Col 2 lines 1-13).
14. Referring to claim 17, Roy teaches a method according to claim 16, further comprising: transferring data between the client and the server using the data communications protocol mapped into the real time codec (Col 2 lines 1-13).
15. Referring to claim 18, Roy teaches a method according to claim 16, further comprising: the client closing the connection between the client and the server when a session established by the call set-up is over (Figure 17, Col 40 lines 22-32), and informing the gatekeeper using H.323 protocol or SIP protocol procedures (Figure 17).

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16. Referring to claim 20, Roy teaches a method according to claim 16, further comprising:

the gatekeeper monitoring the status of the call setup between the client and the server (figure 17), and maintaining a record of a duration of a call (BuCF contains duration information of calls and is stored in gatekeeper; Col 22 lines 21-26, Col 24 lines 32-36, Col 26 lines 39-40, 49-56).

17. Referring to Claims 27-29. Claims 27-29 encompass the same scope of the invention as that of the Claims 16-18. Therefore, the Claims 27-29 are rejected for the same reason as the Claims 16-18.

Claim Rejections - 35 USC § 103

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

19. Claims 19 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roy.

Referring to Claim 19 and 30, Roy teaches a system and a method as described in claims 16 and 27. Roy does not explicitly teach the client and server are the game client and game server as claimed in claims 19 and 30. The Examiner takes an official notice that the client and server of Roy are the conventional client/server that will also serve or easily modified to server the function of a game client/server.

Conclusion

20. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).
21. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.
22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Liang-che Alex Wang whose telephone number is (571)272-3992. The examiner can normally be reached on Monday thru Friday, 8:30 am to 5:00 pm.
23. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571)272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
24. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published

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applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Liang-che Alex Wang *lw*
November 29, 2005


SALEH NAJJAR
SUPERVISORY PATENT EXAMINER